

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

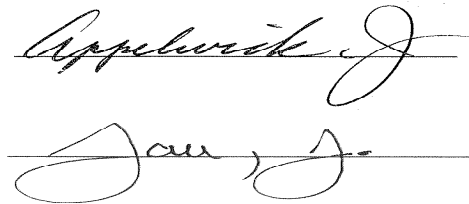
STATE OF WASHINGTON,	)	No. 62812-7-I
	)	
Respondent,	)	DIVISION ONE
	)	
v.	)	
	)	UNPUBLISHED OPINION
STEPHEN ELLIOTT,	)	
	)	
Appellant.	)	FILED: August 24, 2009

PER CURIAM. Stephen Elliott appeals the trial court order denying his CrR 7.8(c)(2) motion to withdraw his guilty plea, arguing that the parties cited the prior version of CrR 7.8 to the trial court rather than the amended version of the rule that requires the transfer of his motion to this court for consideration as a personal restraint petition. The State concedes error and agrees with Elliott that this matter should be remanded to allow the trial court to withdraw its December 3, 2008 order and to transfer the motion to this court for consideration as a personal restraint petition after advising Elliott of the future collateral consequences of the successive petition rule if his motion is transferred to this court for consideration as a personal restraint petition. State v. Smith, 144 Wn. App. 860, 863-64, 184 P.3d 666 (2008); RCW 10.73.140.

We accept the State's concession.

This matter is remanded for proceedings consistent with this opinion.

For the court:



No. 602812-7-I/2

Ajia, J.